THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 22580 of 1996

Dated: 28-11-2006

Between:

P.Venkatesulu

..... PETITIONER

AND

The Revenue Divisional Officer,
Dharmavaram,
Ananthapuram District and another.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 22580 of 1996

O R D E R:

This writ petition is filed aggrieved by the order dated 21-05-1996 passed by the Revenue Divisional Officer, Dharmavaram cancelling the authorization of the petitioner in respect of the fair price shop of Pillalapalli village on the ground that on being elected as MPTC member of Brahmasamudram village, the petitioner suffered a disqualification.

It is primarily contended that the petitioner's election as member of MPTC cannot be taken as a disqualification and at any rate, the impugned order, dated 21-05-1996, which was passed without affording any opportunity to the petitioner to put forth his version is arbitrary and illegal.

No counter-affidavit is filed by the respondents contradicting the plea of the petitioner that there was no notice.

It is also relevant to note that the election of the petitioner as a member of MPTC was for a period of five years, which expired long back during the pendency of this writ petition. By virtue of the interim orders, the petitioner has been continued as fair price shop dealer throughout.

In the circumstances, the impugned order dated 21-05-1996 is set aside. In case the petitioner is continuing as member of the MPTC as on today, it is open to the respondents to initiate fresh proceedings after issuing a notice to the petitioner calling upon to explain against the proposed action. No costs.

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G. ROHINI, J

Dated: 28-11-2006

KLP